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Attorneys for Defendants CITY OF VALLEJO and JARRETT TONN

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

NEFTALI MONTERROSA, individually and  
as co-successor-in-interest to Decedent SEAN  
MONTERROSA; NORA MONTERROSA,  
individually and as co-successor-in-interest to  
Decedent SEAN MONTERROSA;  
MICHELLE MONTERROSA, individually;  
ASHLEY MONTERROSA, individually,

Plaintiff,

vs.

CITY OF VALLEJO, a municipal  
corporation; JARRETT TONN, individually,  
and, Vallejo police officers DOES 1-25,  
inclusive,

Defendants.

**Case No: 2:20-cv-01563-TLN-DB**

**JOINT REPORT PURSUANT TO FED.  
R. CIV. PROC. 26(F)**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for the parties

1 conducted a conference by telephone on October 26, 2020. The parties discussed and agreed to  
2 the following discovery plan:

3 ***Proposed Changes to Rule 26(a) Disclosures***

4 The parties agree no substantive changes are needed and initial disclosures will be  
5 exchanged November 16, 2020.

6 ***Discovery Subjects and Completion***

7 The parties intend to conduct discovery regarding the parties' legal contentions, claims  
8 and defenses, the incident, Plaintiff's injuries and damages, and expert discovery and Plaintiff  
9 intends to conduct necessary *Monell* discovery within the bounds of the Federal Rules of Civil  
10 Procedure. The parties disagree as to the length of time that will be needed to complete  
11 discovery.

12 Plaintiff believes that nine months will be sufficient to complete discovery.

13 Defendants believe additional time will be needed in light of the fact that the criminal  
14 investigation of the underlying officer-involved shooting and the criminal review of the incident  
15 is not yet complete and may not be complete for months or even more than a year. Further, there  
16 is a significant volume of evidence already existing pertaining to the criminal matter. For these  
17 reasons, Defendants would respectfully request a discovery cutoff of 18 months from the  
18 responsive pleading.

19 Both parties are agreeable to an expert disclosure deadline of 30 days following the close  
20 of general discovery, and a deadline to disclose supplemental experts for rebuttal purposes 30  
21 days after that. Expert discovery to be completed in a timely manner in order to comply with the  
22 Court's deadline for filing dispositive motions.

23 ***Electronically Stored Information***

24 The parties do not anticipate any issues related to electronically stored information at this  
25 time.

26 ***Privileged/Protected Information***

27 The City of Vallejo is currently subject to a preliminary injunction order issued by the  
28 Superior Court prohibiting the City from disclosing the identity of the officer(s) involved in the

1 underlying incident, but is in the process of obtaining a stipulation to modify the injunction to  
2 allow for disclosure of that information to Plaintiffs in this action under a protective order.<sup>1</sup> The  
3 parties agree a protective order is appropriate to ensure that the City complies with the active  
4 injunction, for sensitive materials in Defendants' possession, and for certain officer records. The  
5 parties will meet and confer regarding a stipulated protective order based on the scope of  
6 discovery propounded.

7 ***Changes to the Limitations on Discovery***

8 The parties agree that no changes to the limitations of discovery are needed at this time.

9 ***Orders to Issue***

10 The parties request that the Court issue a revised scheduling order to reflect the proposed  
11 changes to the general discovery cutoff and expert disclosures and cutoff.

12  
13 DATED: November 9, 2020

**LAW OFFICES OF JOHN L. BURRIS**

14 /s/ James Cook  
15 John L. Burris, Esq.  
16 Benjamin Nisenbaum, Esq.  
17 James Cook, Esq.  
18 Attorney for Plaintiffs

19  
20 DATED: November 9, 2020

Respectfully submitted,

21  
22 /s/ Katelyn M. Knight  
23 MEERA BHATT  
24 KATELYN M. KNIGHT  
25 FARRAH HUSSEIN  
26 Attorneys for Defendants  
27 CITY OF VALLEJO and JARRETT TONN

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<sup>1</sup> See *Vallejo Police Officers' Association and Officer John Doe v. City of Vallejo*, Solano County Superior Court Case No. FCS054880